

DISTRICT COURT
FILED
IN THE DISTRICT COURT IN AND FOR TULSA COUNTY
STATE OF OKLAHOMA JUL - 3 2012

MATTHEW WONDERS,

Plaintiff,

vs.

FOREMOST INSURANCE COMPANY,

Defendant.

SALLY HOWE SMITH, COURT CLERK
STATE OF OKLA. TULSA COUNTY

LINDA G. MORRISSEY,

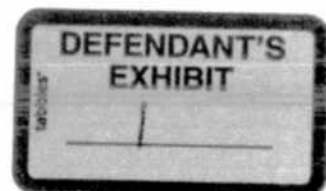
CJ-2012-03493

JURY TRIAL DEMANDED
ATTORNEY'S LIEN CLAIMED

PETITION

Plaintiff, Matthew Wonders, by and through his attorneys of record, Stauffer & Nathan P.C., hereby allege as follows:

1. Plaintiff is a resident of Tulsa County.
2. Defendant, Foremost, is an insurance company which is licensed to do business in the State of Oklahoma and does business in Oklahoma and within Tulsa County, Oklahoma.
3. This action arose in Tulsa County.
4. This court has jurisdiction and venue over this action.
5. Plaintiff was insured by Foremost via multiple policies. Specifically, policy number 276-0072537446 insured the Plaintiff from 12/16/2011 to 12/16/2012 with the insured vehicle being a 2005 Yamaha Road Star Warrior bearing serial number JYAVP14E85A010933.
6. The insurance coverage provided liability coverage and uninsured motorist benefits.
7. By issuing its policy to Plaintiff, Foremost promised Plaintiff it would act in good faith on any claims made by him under the policy.
8. Plaintiff was injured as a result of the negligence of an uninsured motor vehicle on April 18, 2012.
9. Plaintiff has complied with all requirements under the policy.



10. Foremost failed to adequately investigate the claim
11. Foremost acted negligently in the evaluation and denial of Plaintiff's claim.
12. Foremost failed to follow applicable Oklahoma law in the investigation and evaluation of Plaintiff's claim. See *Biggs v. State Farm*, 1977 OK 135, 569 P2d 430.
13. Foremost's acts in failing to properly investigate the loss and refusal to follow Oklahoma law is a breach of the Oklahoma Unfair Claims Practices Act, 36 O.S. § 1250.1 *et seq.*
14. Plaintiff has been damaged by Foremost's breach of the insurance policy and its bad faith, and requests actual damages in excess of \$75,000.
15. Defendant's actions were intentional, deliberate and willful. As a result, Plaintiff is entitled to punitive damages as set forth in 23 O.S. § 9.1.

WHEREFORE, Plaintiff requests actual damages in excess of \$75,000; punitive damages in an amount to be determined by the jury in excess of \$75,000, attorneys fees, costs and all other relief to which they are entitled.

Respectfully submitted,

~~STAUFFER & NATHAN, P.C.~~

By: 

Neal E. Stauffer, OBA No. 13168
Jody R. Nathan, OBA No. 11685
Timothy P Clancy, OBA No. 14199
P.O. Box 702860
Tulsa, OK 74170-2860
Telephone (918) 592-7070
Facsimile (918) 592-7071
Attorneys for Plaintiff